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6 *signature page*

7 Attorneys for Plaintiff

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **WESTERN DIVISION**

11  
12 JOEL RIVERA, an individual on behalf  
13 of himself and all others similarly  
situated,

14 Plaintiffs,

15 vs.

16 INDYMAC BANKCORP, INC., a  
17 Delaware Corporation; FEDERAL  
18 DEPOSIT INSURANCE  
CORPORATION, as Receiver for  
19 INDYMAC BANK, F.S.B.; and DOES 1  
through 100, inclusive,

20 Defendants.

Case No. CV-08-05723 MMM (AGRx)

**STIPULATION OF DISMISSAL  
WITH PREJUDICE**

Hon. Margaret M. Morrow

**STIPULATION OF DISMISSAL WITH PREJUDICE**

This stipulation is entered into by and among Plaintiff Joel Rivera ("Rivera"), on behalf of himself individually, and Defendants Federal Deposit Insurance Corporation, in its capacity as Receiver for IndyMac Bank, F.S.B., ("FDIC-Receiver"), and IndyMac Bancorp, Inc. ("IndyMac Bancorp"). Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff Rivera and Defendants FDIC-Receiver and IndyMac Bancorp, representing all parties who have appeared in this action, hereby stipulate that this action shall be dismissed with prejudice. The dismissal of Plaintiff's individual claims has no purported class-wide effect, is without prejudice to any putative class members' rights, and therefore notice of dismissal of this putative class action is not necessary or required. Each party shall bear its own costs and fees.

On September 19, 2008, the Court ordered that this action be stayed for 90 days, through December 18, 2008, pursuant to a Stipulation to Stay Proceedings filed by the parties on September 8, 2008. In light of this Stipulation of Dismissal With Prejudice, the parties hereby stipulate that the 90-day stay may be lifted so that this Stipulation of Dismissal may be filed, and this action dismissed with prejudice pursuant to Fed. R. Civ. P. 41(a).

**IT IS SO STIPULATED.**

1 Dated: ~~December~~ <sup>January</sup> 15, 2008

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1 Dated: December 29, 2008

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10 Dated: December 29, 2008

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14 Attorneys for Defendant IndyMac  
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16 Dated: December \_\_\_\_\_, 2008

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20 Chapter 7 Trustee for Defendant Indymac  
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1 Dated: December \_\_\_\_, 2008

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10 Dated: December \_\_\_\_, 2008

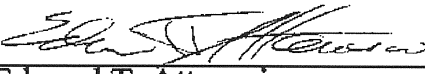
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16 Dated: December 22, 2008

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19 Bankruptcy Counsel for Alfred H. Siegel,  
20 Chapter 7 Trustee for Defendant Indymac  
21 Bancorp, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed *via* the Court's electronic filing system this 17<sup>th</sup> day of January, 2009, and was hereby served upon all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ Marnie C. Lambert  
Marnie C. Lambert, Attorney for Plaintiffs